



**TOWN OF GRAFTON
ZONING BOARD OF APPEALS**

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**MINUTES
ZONING BOARD OF APPEALS
THURSDAY, SEPTEMBER 30, 2021
VIA ZOOM CONFERENCE**

A meeting of the Zoning Board of Appeals was held on Thursday, September 30, 2021 via Zoom Conference.

Members present: Chairman-William McCusker, Vice Chair – Marianne Desrosiers William Yeomans-Member, Kay Reed-Clerk, Member, Brian Waller – Member, Peter Adams-Alternate Member, and Mitali Biswas – Alternate Member.

Meeting called to order at 7:02 p.m.

Chairman calls meeting to order and takes roll call of all members, staff and others expected to participate.
Chairman reads remote access rules.

Case #877 – 4 Gloucester Road - Special Permit and Variance Request
Chairman reads rules of order. Clerk reads legal notice.

Victoria Gonzalez of 4 Gloucester Road, gives history of the property and the reason she is requesting a Special Permit and a Variance.

Discussion with homeowner and Board as to the 2nd story addition, the Special Permit request, and the proposed farmers porch, the Variance Request.

SPECIAL PERMIT

Motion made by Mr. Yeomans and 2nd by Ms. Desrosiers to grant a Special Permit to Ms. Victoria Gonzalez of 4 Gloucester Road, for the addition of a 2nd floor per the plot plan dated 8/17/2021. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

VARIANCE

Discussion regarding any hardship that may exist to grant the variance. Mr. Berger, Zoning Enforcement Officer, informs the Board that the stoop/porch can be 3' deep and only as wide as the door if it is within the setback.

Applicant requests a continuance on the Variance request.

Motion made by Mr. Yeomans and 2nd by Mr. Waller to continue case #877, to Thursday, November 4, 2021 at 7:00 p.m. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Case #876 – 244 Worcester Street – Variance on height and parking
Board and Zoning Enforcement officer introduce themselves.
Chairman reads rules of order for remote participation. Clerk reads legal notice.

Michael Brangwynn, Attorney for applicant, Churchill and Banks
Richard Baccari of Churchill and Banks

Attorney Brangwynn discusses project and meeting schedule with the Planning Board and the Conservation Commission. Gives background on Churchill and Banks, developer of commercial and residential properties in N.E. and North Carolina.

Discussion points regarding 244 Worcester Street – proposed warehouse – from applicant

- Warehouse will have approximately 200-230 employees
- Entrances will be moved to the left and right sides of the property
- Discussion of proposed warehouse and the number of parking spaces requested
 - Due to the shape of the lot unable to meet the required number of parking spaces required (750)
- Sam Hemenway, Engineer, total site contains 185 acres, 26 acres to be used for this project
- Project will be in 2 stages
 - Stage 1: Wyman property will be consolidated, parking and security booth will be relocated
 - Stage 2: Develop warehouse and parking
- Parking will be less than what the Grafton by-law requires – 234 parking spots will be sufficient for employee and visitor parking – based on ITE parking guidelines

Board comments/remarks:

- Variances can be granted based on the shape of the lot, soil, and the topography – must be a unique hardship
 - What makes this lot unique?
 - Per applicant: confined with woods and wetlands on left side and utility restrictions on the right side, high parking requirement creates the hardship, and the current building in the back
 - Resource area – trees/wetlands to the left of the property, feeds into Flint Pond
 - Water main runs through the property
 - Applicant feels 750 parking spots too many, not economically feasible based on new warehouse and automation
- Where would the snow go? Trucked off site?
- Overlapping shifts – overlapping of parking enough spots
- Visitor parking – will there be any

Comments from abutters:

Rosemarie Boulanger – 10 Fairlawn Street, concerned with the size of the warehouse and the façade that faces Maplewood Drive. Height of the building facing a residential neighborhood across the street. Maybe make a 2-story warehouse and have some parking in the front.

Chairman McCusker comments on email from abutter Mr. Holmes of Balin Circle regarding the last sentence of his email stating the “because the ZBA does not live in this section of town we should not be treated like 2nd class citizens just because we don’t have money like the rest of Grafton”. Chairman pointed out that the ZBA treats all areas equally and fairly and requested that Mr. Holmes provide examples to support his claim.

Hearing will be continued to November 4, 2021.

Motion made by Mr. Yeomans and 2nd by Ms. Reed to continue case #876 to Thursday, November 4, 2021 at 7:30 p.m. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

OLD BUSINESS:

Providence Road Commons: Brian MacEwen of Graz Engineering, as-builts have been submitted to Jeff Walsh of Graves Engineering for review are completed. Working with Paul Courmoyer, DPW, to install 2 light poles. Waiting to hear from National Grid. The sink hole and the rip/rap wash out will be repaired. Trying to finalize everything so the final market rate unit can be sold.

- Conservation ready to issue release
- Landscaping will be submitted on final as-built plans
- Clearing of brush will be completed so no site lines will be blocked
- All walkways cleared

Chairman informs Mr. MacEwen to come back on the November 4th meeting to acknowledge completeness.

Elmrock Estates: Stephen O'Connell, of Turning Point Engineering for Elmrock Estates. Would like to reduce the following bonds:

- Infrastructure Bond from \$323,000 to \$17,000
 - \$17,000 left of work to be completed - need as-built plans and need to be accepted
 - Subdivision Rules and Regulations state need to hold back 20% of total amount of work/original bond, that would be \$323,000 (current amount of bond), should be held until the road/development is accepted by the Town
 - Need to talk to Chris McGoldrick, the Town Planner about when to release the remaining amount
 - Tabled until 11/4/2021 meeting
- Erosion Control Bond from \$29,000 to \$0
 - This bond is in case developer walks away from development to use the funds to stabilize the site and return to natural/original site.
 - Per Jeff Walsh of Graves Engineering, site stable and all grass and plantings in and established, bond can be reduced to \$0

Motion made by Mr. Yeomans and 2nd by Ms. Reed to reduce the Stabilization/Erosion Control bond from \$29,000 to \$0 and release the surety. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Case #875 – 3 Centennial Drive - Variance

Received letter from applicant with request to withdraw without prejudice.

Motion made by Mr. Yeomans and 2nd by Ms. Reed to allow 3 Centennial Drive to withdraw without prejudice. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Motion made by Mr. Yeomans and 2nd by Ms. Desrosiers to close case #875. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Re-organization of the Board

Chairman Motion made by Mr. Yeomans and 2nd by Mr. McCusker to nominate Mr. Waller as Chairman.
On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes.
5-yes, 0-no, motion passed.

Vice Chairman Motion made by Mr. Yeomans and 2nd by Mr. McCusker to nominate Ms. Desrosiers as Vice Chairman.
On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes.
5-yes, 0-no, motion passed.

Clerk Motion made by Mr. Yeomans and 2nd by Mr. McCusker to nominate Ms. Reed as Clerk.
On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes.
5-yes, 0-no, motion passed.

MINUTES:

Minutes from 4/14/2021 Meeting: tabled to next meeting.

Motion made by Mr. Yeomans and 2nd by Ms. Reed to adjourn meeting. On a roll call vote: Ms. Desrosiers-yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. Waller-yes; Chairman-yes. All in favor, motion passed meeting adjourned at 9:50 p.m.

Respectfully submitted by Katrina Koshivos

Kay Reed

Kay Reed - Clerk